IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 466 of 2006

Puran Singh S/o Sri Banwari Lal
R/o Village Sherpur
Pargana Pachhoowadoon
District Dehradun ...Applicant

Vs

1. State of Uttaranchal through
   Home Secretary, Uttaranchal
   Dehradun
2. Birendra S/o Dambar Bahadur
3. Ravi S/o Bijendra
4. Sonu S/o Bijendra
5. Man Singh C/o Dambar Bahadur
   All R/o Village Sherpur, P.S. Sahaspur
   District Dehradun ..Respondents.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by the complainant in Sessions Trial No. 20 of 2005 arising out of case crime No. 111 of 2004 under Sections 148, 147, 323, 504, 506 I.P.C. and 3(10) SC/ST Act State Vs Dambar Bahadur pending in the court of Sessions Judge, Dehradun.

2. Brief facts of the case are that the accused were facing trial for the charges stated above. During the course of prosecution evidence and application was filed by the complainant of the case under Section 319 Cr. P.C. for summoning the opposite parties No. 2 to 5 to face their trial on the strength of the deposition of P.W. 1 Ram Chandra and alleged eyewitness. The application moved by the complainant was rejected by the sessions judge vide order dated 02.06.2006.

3. Feeling aggrieved by the aforesaid impugned order this petition has been preferred.

4. I have heard learned counsel for the petitioner and perused the impugned order. The reporter of the case Puran Singh is also the injured witness. This reporter of the case has not been examined by the prosecution as yet. Puran Singh is a material witness and his evidence would be of much relevance in order to solve the controversy.

5. At this stage, do not find any justification to summon the opposite No. 2 to 5 in order to face the trial.

6. Learned Sessions Judge has rightly passed the order and I am also of the view that it is a premature stage to pass the summoning order against the respondents No. 2 to 5.

7. The impugned order passed by the Sessions Judge does not required any interference.

8. The petition lacks merits and is liable to be dismissed. Accordingly, the petition is dismissed.

9. However, the petitioner is at liberty to file the petition after examination of the material witness i.e. reporter and injured witness-Puran Singh.

(B.C. Kandpal, J.)

03.07.2006
Aswal